

**REMARKS**

The Office Action indicated that Claims 27-32 are allowable while the subject matter of dependent Claims 10-12 and 22-24 would be allowed if rewritten in independent form. Accordingly, amended independent Claim 3 contains the indicated allowed subject matter of Claim 10 and is believed to be allowable along with the dependent Claim 7-12.

Independent Claim 15 has been amended to include the allowed subject matter of Claim 22 and accordingly Claim 15 along with the dependent Claims 19-21 and 23-24 are believed to be allowable.

Newly drafted Claims 33 and 34 are believed to contain the indicated allowed subject matter substantially as indicated on pages 12 and 13 of the Office Action.

The references used to formulate a rejection of certain claims in this Application relied upon the *Sasakura et al.* (U.S. Patent No. 6,151,493), the *Curatolo et al.* (U.S. Patent No. 6,510,380) and the *Schlager et al.* (U.S. Patent No. 6,198,390). These references alone or in combination with secondary references were recited against the cancelled claims.

Of these references, the *Sasakura et al.* reference is of interest in providing a combination of a card or key-carrying transmitter which could be operative in combination with a conventional cellular phone so that if the cellular phone was separated by more than a predetermined distance from the user a warning could be provided to the user. Thus if a cell phone was inadvertently left behind or stolen and removed a predetermined distance a signal could be provided. An identification signal transmission unit send a signal from the card 10 shown in Figure 1 and a conventional cell phone 30 would incorporate a call prohibition circuit 30a also shown in Figure 1. See Column 3, lines 51-61.

The transmission unit 10 transmits a multibit identification signal and the power of the signal along with a comparison of the bits of the signal is utilized over a repetitive series of transmissions to prevent the call prohibition unit from activating a call prohibition canceling signal. See Column 2, line 58-65.

Referring to the newly drafted independent Claim 33, the means plus function elements set forth are not anticipated nor would they be rendered obvious by any combination of secondary references. Thus, such features as the instruction receiving means, the mode storage means, first and second judging means, and the notifying means based upon the first or second judging means are neither anticipated nor taught by the *Sasakura et al.* reference in a mobile phone environment.

*Curatolo et al.* reference is directed to a security and tracking apparatus coordinated with a global positioning satellite system (GPS) to be able to identify or locate a person, animal or object having a hidden signaling unit when a second signaling unit is in a communication proximity. If the signaling units are separated by more than preselected distance it is possible to determine the GPS location by notifying a monitoring station.

The *Schlager et al.* reference is basically a personal alarm system to provide a safety operation for the user and also can transmit other information such as time of day between a base station that transmits a periodic polling signal and a remote unit that monitors the field strength of the received polling signal. If the field strength falls below a certain limit the remote unit can be activated to transmit at a higher power to the base station. Panic buttons and a linkage to a telephone system through the base station are also indicated.

These references fail to teach the claim elements set forth in the new Claims 33 and 34.

With the claim elements set forth in new Claims 33 and 34, a user can switch between modes according to environmental conditions under which the mobile phone is carried wherein each mode indicates an acceptable value of distance from the mobile warning apparatus to the mobile phone so that a notification can be issued if the actual distance selected exceeds the selected value. For example, if the mobile phone is in the house or the office there may be little danger of the mobile phone being stolen. In such a case, a mode can be selected by the user having a relatively large acceptable value of distance thereby preventing needless reception of warning notifications.

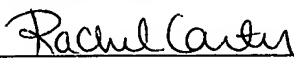
Alternatively, if the mobile phone is carried into a potentially hostile environment, then the user can select a separate value of distance that can be set thereby enabling a prompt notification if the mobile phone is lost by mistake or removed by theft.

These features are not provided, described, or suggested in any combination of the references cited in the Office Action. Accordingly, it is believed that these new claims are also allowable and an early notification of the same is requested.

If the Examiner believes that a telephone interview will help further the prosecution of this case, he is respectfully requested to contact the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 5, 2005.

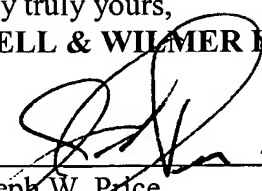
By: Rachel Carter



Signature

Dated: July 5, 2005

Very truly yours,  
**SNELL & WILMER L.L.P.**

  
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